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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,)	No. CR 09-01195-JF
)	
12 Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER CONTINUING HEARING DATE
13 vs.)	AND EXCLUDING TIME UNDER THE
)	SPEEDY TRIAL ACT
14 RODNEY HATFIELD and)	
LLOYD MYERS,)	
)	
15 Defendants.)	
16 _____)	

17 **STIPULATION**

18 Defendant Lloyd Myers, by and through Assistant Federal Public Defender Varell L.
19 Fuller; Rodney Hatfield, by and through counsel Geoffrey Alan Braun; and the United States, by
20 and through Assistant United States Attorney Timothy J. Lucey, hereby stipulate that, with the
21 Court's approval, the status hearing currently set for Thursday, May 6, 2010, at 9:00 a.m., shall
22 be continued to Thursday, July 8, 2010 at 9:00 a.m.

23 The reason for the continuance is the defense needs time to review the voluminous
24 discovery recently produced by the government: 10,928 pages of discovery produced on
25 February 25, 2010; an additional 3,734 pages of discovery produced on April 27, 2010; and two
26 disks containing 11,591 emails produced on April 30, 2010. In addition, counsel for defendant

1 Hatfield is unavailable to participate in a status hearing in June.

2 For the foregoing reasons, the parties jointly request and agree to an exclusion of the time
3 between May 6, 2010, and July 8, 2010, under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A)
4 and (B)(iv), for continuity of counsel and effective preparation by defense counsel.

5 IT IS SO STIPULATED.

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7 Dated: May 3, 2010

8 _____/s/
VARELL L. FULLER
Assistant Federal Public Defender
9 Counsel for Lloyd Myers

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11 Dates: May 3, 2010

12 _____/s/
GEOFFREY ALAN BRAUN
13 Counsel for Rodney Hatfield

14
15 Dated: May 3, 2010

16 _____/s/
TIMOTHY J. LUCEY
Assistant United States Attorney

17
18 **~~{PROPOSED}~~ ORDER**

19 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY
20 ORDERED that the hearing currently set for Thursday, May 6, 2010, shall be continued to
21 Thursday, July 8, 2010, at 9:00 a.m.

22 THE COURT FINDS that failing to exclude the time between May 6, 2010, and July 8,
23 2010, would unreasonably deny defendant Hatfield continuity of counsel and deny defense
24 counsel reasonable time necessary for effective preparation, taking into account the exercise of
25 due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

26 THE COURT FURTHER FINDS that the ends of justice served by excluding the time

1 between May 6, 2010, and July 8, 2010, from computation under the Speedy Trial Act outweigh
2 the interests of the public and the defendant in a speedy trial.

3 THEREFORE, IT IS HEREBY ORDERED that the time between May 6, 2010, and July
4 8, 2010, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §
5 3161(h)(7)(A) and (B)(iv).

6 IT IS SO ORDERED.

7 Dated: 5/5/10

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9 THE HONORABLE JEREMY FOGEL
10 United States District Court Judge
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